

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Michigan

United States of America

v.

Raphael Jarrell Smiley

Case: 2:21-mj-30462

Case No. Assigned To : Unassigned

Assign. Date : 9/28/2021

Description: CMP USA v. SEALED  
MATTER (SO)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 3, 2021 – September 2, 2021 in the county of Wayne in the

Eastern District of Michigan, the defendant(s) violated:

*Code Section*

*Offense Description*

18 USC 506(a)(3)

Fraud Involving Department or Agency Seals

18 USC 1028(a)(6)

Identity Document Fraud

18 USC 2320(a)(1)

Trafficking in Counterfeit Goods

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: September 28, 2021

City and state: Detroit, MI

  
Complainant's signature

Bryan Randall- Special Agent

*Printed name and title*

  
Judge's signature

Elizabeth A Stafford- U.S Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF**  
**CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Bryan V. Randall, Special Agent, being duly sworn, hereby affirm the following facts as being true to the best of my knowledge, information, and belief:

1. I have been a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations since August 16, 2009. I am a graduate of the Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. As part of my daily duties as an ICE agent, I investigate criminal violations relating to Narcotics Trafficking, Bulk Cash Smuggling, Wire Fraud, the Dark Web, Cryptocurrency and Financial Investigations.

6. This affidavit is provided in support of an application for a criminal complaint and arrest warrant charging RAPHEAL JARRELL SMILEY with conducting an ongoing scheme to import and sell or otherwise distribute fraudulent COVID-19 Vaccination Record Cards into the United States, in violation of Title 18, United States Code, Section 506(a)(3); Title 18, United States Code, Section 1028(a)(6); and Title 18, United States Code, Section 2320(a)(1).

7. Title 18, United States Code, Section 506(a)(3) prohibits any person from “with fraudulent intent, possess[ing], sell[ing], offer[ing] for sale, furnish[ing], offer[ing] to furnish, giv[ing] away, offer[ing] to give away, transport[ing], offer[ing] to transport, import[ing], or offer[ing] to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered.”

6. Title 18, United States Code, Section 1028(a)(6) prohibits the knowing “possess[ion of] an identification document or authentication feature that is or appears to be an

identification document or authentication feature of the United States or a sponsoring entity of an event designated as a special event of national significance which is stolen or produced without lawful authority knowing that such document or feature was stolen or produced without such authority.”

2. Title 18, United States Code, Section 2320(a)(1) prohibits “trafficking in goods or services and knowingly us[ing] a counterfeit mark on or in connection with such goods or services.”

3. This Affidavit is based upon my personal knowledge, experience and training, and other information developed during the course of this investigation. This Affidavit is also based upon information and experience imparted to me by other law enforcement officers. I have not set forth all the facts known concerning this investigation; rather, I have only included the facts believed necessary to establish probable cause to charge RAPHEAL JARRELL SMILEY with the above-mentioned violations.

### **BACKGROUND**

4. Legitimate Covid-19 Vaccination Record Cards are distributed by health care providers in the United States to patients at the time the patient receives a COVID-19 Vaccine. These cards are produced at the direction of the United States government, via contract agreements initiated by the Centers for Disease Control and Prevention (CDC). Legitimate Covid-19 Vaccination Record Cards can only be obtained via an authorized vaccination provider.

5. Numerous institutions, including colleges and universities, currently require individuals to show proof of having received COVID-19 Vaccination prior to receiving services. *See “List: Several Michigan universities, colleges to require COVID-19 vaccination and/or masks”,*

NBC 25 (August 6, 2021) (available at: <https://nbc25news.com/features/school/list-several-michigan-universities-colleges-to-require-covid-19-vaccination>).

### **PROBABLE CAUSE**

7. On or about August 8, 2021, Customs and Border Protection (“CBP”) Officers working at the International FedEx facility at the Memphis, TN International Airport selected a specific package (the “Subject Parcel”) for examination. The Subject Parcel was selected for examination based on previous seizures of counterfeit documents shipped by the same individual.

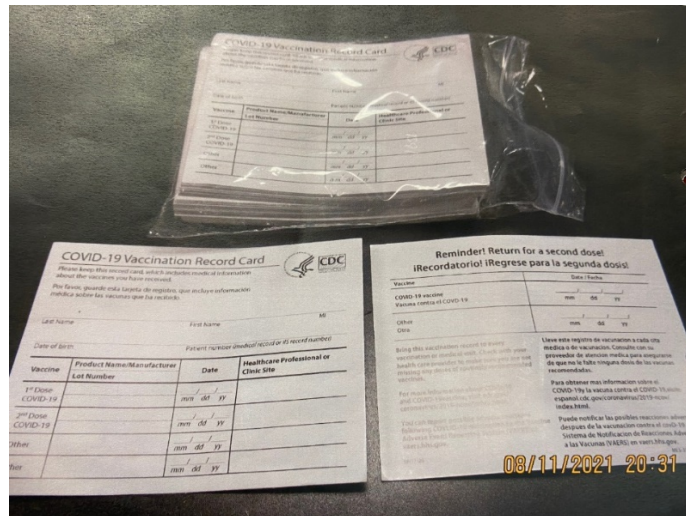
8. In order to ship a package into the United States, the shipper must include a manifest, which describes the commodity being shipped. In this case, the manifest for the Subject Parcel described the contents as “PAPER PAPER CARD.” The Subject Parcel originated in China. The Subject Parcel was sent from Abby Yang, B2C Hanyuan Cross Border, RM 501, BKL 4, Yan Chuang Jia Da Honghu East Road, Shenzhen, GD, China 518103 and addressed to Rapheal SMILEY, 20486 Mackay Street, Detroit, MI, 48234. An image of the label of the Subject Parcel is below:



9. On or about August 8, 2021, the Subject Parcel was examined by CBP Officers at the FedEx Memphis, TN International Airport facility. Upon examination, CBP Officers discovered 52 fraudulent CDC COVID-19 Vaccination Record Cards. The cards were determined to be fraudulent by CBP Officers because the importer was not the CDC or a medical entity.

10. Further, the shipper (Abby Yang, B2C Hanyuan Cross Border, RM 501, BKL 4, Yan Chuang Jia Da Honghu East Road, Shenzhen, GD, China 518103) has been previously identified by law enforcement as sending counterfeit Covid-19 Vaccination Record Cards into the United States.

11. An image of the front and back of the fraudulent COVID-19 Vaccination Cards is below:



12. The fraudulent COVID-19 Vaccination Record Cards bear, in their upper right-hand corner, an unauthorized copy of the seal of the CDC.

13. The Subject Parcel was addressed to Rapheal SMILEY, 20486 Mackay Street, Detroit, MI, 48234. Research in open source and commercial databases, as well as in law enforcement databases, revealed that an individual named Rapheal SMILEY resides at 20486



Mackay Street, Detroit, MI, 48234. Further, the Subject Premises is the address listed on SMILEY's Michigan driver's license.

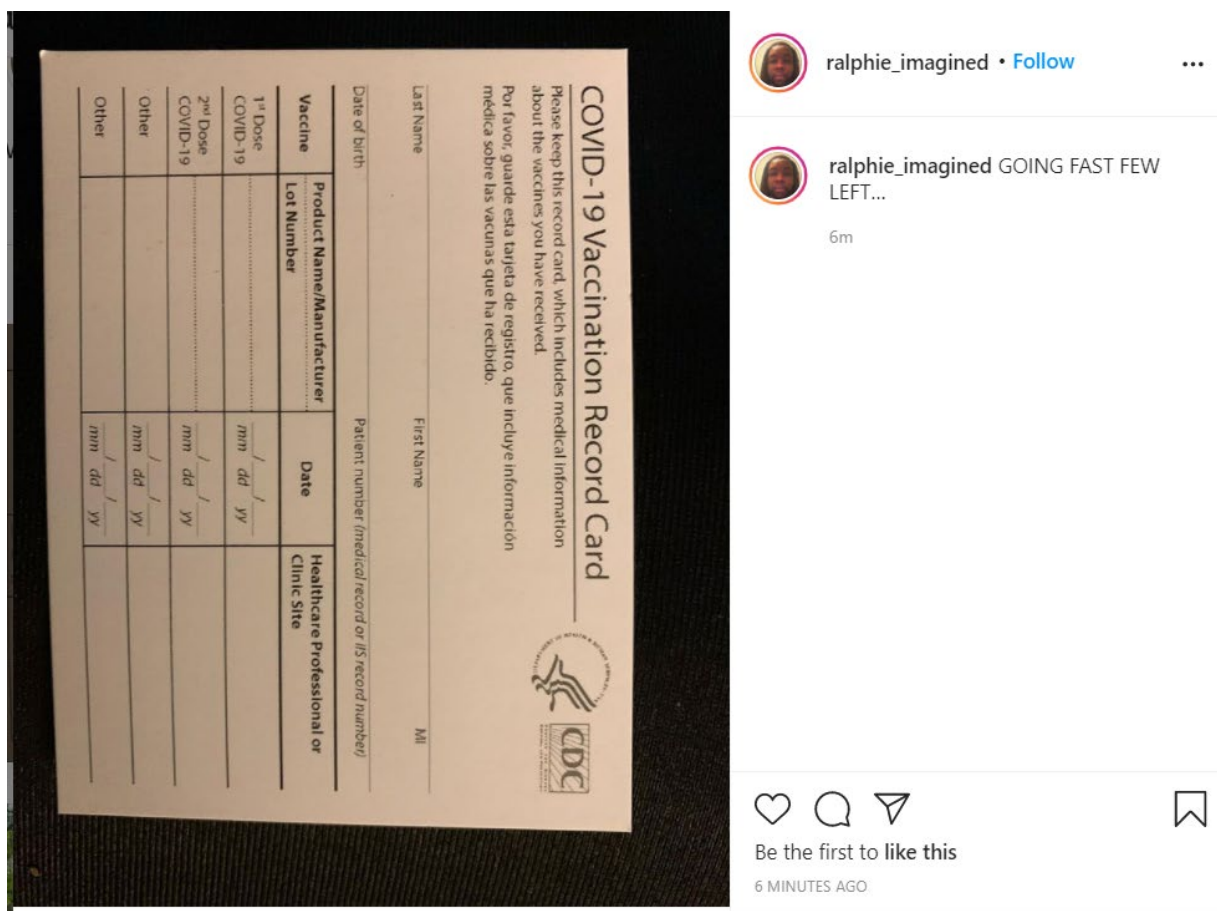
14. On August 30, 2021, research showed that a person using the screenname "Detroit's Own Rapheal Smiley" on Facebook had posted images of COVID-19 vaccine requirement announcements. One announcement read: "Breaking: New York City Bars, Restaurants, Nightclubs And Gyms Will Start Requiring Proof Of Vaccination." The other announcement read: "Wayne State University to Require COVID Vaccine For Students, Staff." "Detroit's Own Rapheal Smiley" wrote "Hit Me Up" as the caption for both posts.

15. Images of the two posts are below:



16. On August 30, 2021, it was discovered that a person using the Instagram account name "ralphie\_imagined," with a profile picture that resembles the driver's license photo of SMILEY, posted an image of what is suspected to be a counterfeit COVID-19 Vaccination Record Card. The caption for the photo, written by "ralphie\_imagined" stated "GOING FAST FEW LEFT..."

17. An image of the post is below:



18. Additionally, a review of DHS records revealed that Rapheal SMILEY was also the consignee on another recent, international package from China. This second package to Smiley arrived from China on August 22, 2021. This second package was sent from a different shipper and the contents were described as “Packaging Bag”; however, both the identity of this second shipper and the package description are identical to that of two other packages that have been searched by CBP officers (in connection with other investigations outside this district), both of which were found to contain counterfeit COVID-19 Vaccination Record Cards.

19. On September 2, 2021, a controlled delivery of a representative sample of the 52 cards seized in Memphis was conducted. Subsequent to the controlled delivery a search warrant was executed, and agents seized the representative sample of the counterfeit COVID-19 vaccine

cards, a Motorola Moto e3 Play, an Apple iPhone XR, 48 *additional* Counterfeit COVID-19 vaccine cards, 2 additional Apple iPhones, a UMX cellphone, shipping packaging, a gateway computer tower, and various items of mail consistent with SMILEY's occupancy of the residence.

20. Review of the seized devices remains ongoing; however, an initial review of the Apple iPhone XR has shown several artifacts corroborating the social media information identified earlier in the investigation, including a "Facebook Story" post on August 30, 2021, by "Detroit's Own Rapheal Smiley" with the text "GOING FAST FEW LEFT" (which law enforcement previously identified as being posted to Smiley's Instagram account on the same date). A User Account listed on the phone also matches the previously identified Instagram account "ralphie\_imagined".

21. Web results from the Apple iPhone XR also showed that on August 3, 2021, the device visited the website from which the Subject Parcel (the recently-seized package of Covid-19 Vaccination Record cards) is believed to have been ordered.

22. The Apple iPhone XR also contained the following text message exchange, from August 5, 2021, between SMILEY's device and a number presently unknown to law enforcement.

[Unknown]: Gotta try to get the Stamps or labels

SMILEY: Naw you don't need them they come both ways you can write on them or the stamp is a new way

SMILEY: Either way they work

SMILEY: Trust me I know my moms got patients

[Unknown]: Well that's the official one from my mom but I feel yu

[Unknown]: Yu got them na

SMILEY: Yeah my moms got these



SMILEY: And my step moms

[Unknown]: Ok bet

[Unknown]: Imma come get one

SMILEY: Ok bet

[Unknown]: From where what hospital?

SMILEY: They ain't come from The hospital they just got the  
written on cards

SMILEY: The ones I got

[Unknown]: Ok

SMILEY: They doing both ways

SMILEY: Lol my moms Went to cvs

[Unknown]: Wow lol

SMILEY: Nigga I went to get some Milk for cereal last week they  
was at the grocery store giving out the shot

[Unknown]: Damn thats crazy


SMILEY: Yea it is I'm just like ok cool

23. Likewise, an initial review of the Motorola Moto e3 Play device revealed two .jpg image files matching the two pictures posted to Detroit's Own Rapheal Smiley Facebook page on August 3, 2021 and August 4, 2021.

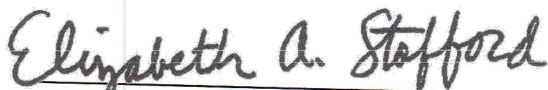
### **CONCLUSION**

24. Based upon my training and experience and the facts stated herein, your Affiant respectfully submits that there is probable cause to believe that RAPHEAL JARRELL SMILEY has violated Title 18, United States Code, Section 506(a)(3) (Fraud Involving Department or Agency Seals); Title 18, United States Code, Section 1028(a)(6) (Identity Document Fraud); and Title 18, United States Code, Section 2320(a)(1) (Trafficking in Counterfeit Goods), by conducting an ongoing scheme to import and sell or otherwise distribute fraudulent Covid-19

Vaccination Record Cards. Therefore, your Affiant respectfully requests that this court issue a warrant for his arrest.

  
BRYAN V. RANDALL  
Special Agent  
Homeland Security Investigations

Sworn to before me and signed in my  
presence and/or by reliable electronic means.

  
Hon. Elizabeth A. Stafford  
United States Magistrate Judge